

**West Mojave Plan
Task Group 2
Green Tree Inn, Victorville
December 3, 2001**

Attendees

Task Group: Mike Ahrens, Jim Arbogast, Drew Ashley, Jim Atkins, Randy Banis, Pam Barber, Marie Brashear, Paul Condon, Jeri Ferguson, Rick Fisher, Jennifer Foster, Ken Foster, Gail Fry, Mike Hardiman, Harold Johnson, Ted Kalil, Sue Kalil, Paul Kober, Carol Landry, Jackie Lindgren, Lynne Low, David Matthews, Shirley Mitchell, Randy O'Laughlin, Rosemary Olney, Lorelei Oviatt, Doug Parham, Ed Phillips, Maryanne Phillips, Dana Raponi, Darrell Readmond, John Rucker, Myra Rucker, Bob Sackett, Ron Schiller, Steve Smith, Debbie Stevens, Bob Strub, Mike Sturdy, Barbara Veale, Ed Waldheim, Chuck Williams.

West Mojave Team: Bill Haigh, Larry LaPre, Valery Pilmer, Les Weeks.

Introduction

Bill Haigh opened the meeting at 6:20 P.M. and introductions were made. Haigh asked if there were any corrections to the October 3, 2001 Task Group 2 meeting notes. No corrections were requested. Haigh indicated that members can e-mail corrections to him.

Haigh summarized the agenda for the evening and reviewed the two aspects of the Federal Land Policy and Management Act (FLPMA) which require the Bureau of Land Management (BLM) to balance outdoor recreation uses with the conservation of wildlife and plant species. Doug Parham asked whether the language in FLPMA is consistent with the constitution regarding the taking of private property for public use. Haigh noted he would include Parham's comment for the record. Haigh further noted that the requirements of Acts of Congress, federal regulations and the 1980 California Desert Conservation Area Plan provide the sideboards within which the BLM can consider a vehicle access network.

The following comments and questions were received from Task Group 2 members:

- **Concern was expressed that the large conservation areas eliminate any area for vehicle recreation.**
Bill Haigh responded that the proposed conservation areas for the West Mojave Plan do not preclude vehicle access. The goal is to provide a vehicle access network within the Habitat Conservation Areas that provides for outdoor recreational uses in a manner that does not conflict with species conservation as required by FLPMA.

- **RS2477 issues need to be considered during route designation.**
Several individuals indicated that RS2477 is an important consideration during route designation. Bill Haigh responded that the BLM is well aware of both the issue and of county assertions of RS2477 rights. He noted that there are differences in interpretation of RS2477, and that litigation is currently pending on appeal in the Federal Courts which may help define the standard to determine what is an RS2477 route. Haigh noted one case in particular [Utah Wilderness Alliance and Sierra Club vrs. BLM et al] which concerns the standard for determining whether an RS2477 right-of-way was “perfected” as of 1976 (when FLPMA repealed RS2477). The question raised by that case: is evidence of actual mechanical construction required or merely evidence of continued use? The Utah district court reviewing the case upheld the “actual mechanical construction” standard; the decision has been appealed. Haigh stated that this issue will have to be resolved by the courts; it cannot be decided by the West Mojave Plan. Some asked that written information be provided to the task group. Haigh indicated that a copy of the court opinion could be provided. Marie Brashear requested that those existing Supreme Court decisions relating to RS2477 also be provided.

Lorelei Oviatt noted that the cited case may never reach the Supreme Court, and stated that the West Mojave Plan should move forward. Oviatt stated that whatever actions the BLM takes on vehicle access will not override the RS2477 assertions made by the counties, and that the Task Group is not in a position to change the legal argument. Oviatt noted that Kern County has not yet filed an RS2477 claim with the BLM but will be doing so. Mike Ahrens noted that the field survey crews are collecting information regarding road construction.

- **At what point will the revised subregion maps be provided?**
Several individuals expressed their desire to see the mapped results of the field surveys as soon as possible. Haigh indicated that he will share the maps with the group as they are completed. He reminded the group that there will be several opportunities to review interim and final products through the planning and environmental review process.
- **Is it possible to consider additional open areas to balance the number of wilderness areas?**
Bob Strub suggested that there is a need to create additional recreational areas to compensate for the number of wilderness areas created through the Desert Protection Act. The point was made that since wilderness areas were created by federal legislation, it would take federal legislation to modify them.
- **Is there coordination between the Ft. Irwin EIS and the West Mojave Plan relative to biological mitigation?**
Bill Haigh responded that the West Mojave Plan and Ft. Irwin efforts are being closely coordinated. Haigh indicated that while the Army EIS is considering on-base biological issues, the West Mojave Plan EIS will consider the off-base biological impacts of the

proposed expansion. Haigh noted that Ray Bransfield (U.S. Fish and Wildlife Service (FWS)) is closely involved with both efforts.

- **Are all equestrian and hiking trails being mapped?**

Mike Ahrens clarified that the field survey team is mapping all linear features that may be motorized vehicle routes. Ahrens noted that it is difficult to determine whether a linear feature has been historically used for hiking or motorcycle use. If the feature is accessible by a motorcycle, it is being mapped. What is ultimately being developed, however, is a map of motorized vehicle access in the West Mojave, not a map of equestrian and hiking trails.

Field Survey

Les Weeks provided an update on the progress of the field survey. Weeks indicated that interested parties were welcome to visit the survey team in the field to personally see how the work is progressing. Weeks stated he could be reached at the following number: 530 676-1095. He made the following points:

- The field survey team is made up of 30 individuals representing a variety in interests.
- The team has covered approximately 4000 miles to date.
- The surveys started in the Ridgecrest area in the El Paso, Ridgecrest, Red Mountain and Middle Knob subregions. Work has also been done in the Fremont and Kramer subregions. The teams began work in the Superior subregion last weekend.
- The camp for the team will be moving to Barstow/Daggett airport for the next survey weekend.
- The motorcycle teams have fallen behind, and additional work is needed to complete the maps.
- One serious accident occurred when a vehicle overturned in the Middle Knob subregion.
- The seventh survey weekend is scheduled for December 14-16, and the eighth for January 11-13.
- The teams are mapping routes and visible features. They are not out there to decide how the routes are to be used in the future or whether they will be designated open or closed.
- If a linear feature can be driven by a motorcycle, it is being mapped.

The following questions were asked and points were made:

- **It is important to know where the equestrian trails are so access to the trailhead can be provided.**

It was noted that the teams have a trailhead feature to add to the maps. This feature is being used when the trail cannot be driven.

- **Almost every route has additional attributes ascribed to it.**

Paul Condon indicated that most of the team members are consciously looking for an

attribute along a route that describes the reason for that route being there.

- **The maps reflecting the survey results need to show wilderness and open areas.**
- **What areas are being surveyed?**
Mike Ahrens and Bill Haigh responded that the areas proposed for designation are located within the subregions defined for the West Mojave Plan. These areas are predominately Class L land and/or critical habitat areas. Marie Brashear stated that the survey effort should be done desert wide, not just for Class L lands.
- **Will carrying capacity be considered during the designation process?**
Haigh responded that this will be considered to the degree that data is available. Mike Ahrens added that the survey teams are applying an attribute that indicates approximate extent of use.
- **Need to ensure that the land ownership base used in the designation process shows ownership of all parcels, not just those larger than 2.5 or 5 acres in size.**
Marie Brashear noted that this issue is important in order to ensure private property access is recognized.

Les Weeks asked those members of the field survey team to provide any comments on the status of the field surveys.

- Bob Strub is on one of the motorcycle teams. He has a degree in civil engineering and seven years experience running survey crews. He is now a miner. He indicated that he is helping ensure the mining attributes are properly captured on the map.
- Randy O'Laughlin, one of the field surveyors, indicated he is confident that all the roads are being captured by the crews.
- Jim Atkins, one of the drivers for the team, indicated that the Denver inventory maps are variable in quality. He indicated that some of the maps are accurate, while others are not. Routes are driven twice to capture the data.
- Debbie Stevens noted that she is representing equestrian interests. She noted that all single track trails are being marked. She asked for clarification that closure of trails means they are closed to vehicle use only. Haigh confirmed this.

Break

7:40 to 7:50 P.M.

Critical Recreation Areas and Access Needs

Bill Haigh discussed the statutes, regulations and land use plans which provide criteria to guide route designation. He referenced the handout entitled "Route Designation in the California Desert Conservation Area, Pertinent Statutes, Regulations, and Guiding Criteria". Criteria are provided in FLPMA, the Code of Federal Regulations, and the California Desert Conservation Area Plan, 1999 amended Edition.

Haigh's opinion was that there may be regions of the desert which are particularly important for certain forms of recreation and that knowing where these "hot spots" are located would help us identify high value vehicle access routes. This information could prove useful when it comes to deciding which motorized vehicle routes should remain open, and could help us determine just how valuable or significant a given route is. Haigh suggested setting up subcommittees to identify these areas. Haigh also suggested that the "hot spots" could be designated as Special Recreation Management Areas (SMRA). Establishment of such areas could ensure that important recreation sites receive the same management attention as an "Area of Critical Environmental Concern" designation provides for other resources. Harold Johnson indicated that there are already nine such areas set up in the Barstow region (e.g., Dumont Dunes). The following issues were raised during the discussion of this item:

- **Need to reconsider approach.**
Ron Schiller expressed concern with the approach. He indicated that **all** routes are important. He indicated that the inventory needs to be completed first, then we need to determine what is necessary to protect resources. Schiller stated that protection does not always means that a road must be closed as other alternatives, such as seasonal closure, are available.
- **Keep route open unless there is a specific, valid reason to close.**
Ed Waldheim stated he is not concerned about the reason for access. Waldheim indicated that a specific biologic rationale needs to be given before closing a route, and all management options need to be considered before deciding on closure.
- **Need to restore internal access in wilderness areas.**
Bob Strub advocated restoring access in wilderness areas for mineral collectors. Harold Johnson noted that any action in regards to wilderness would need to be approved by Congress. Johnson added that such an action was not likely.
- **You cannot assign values to routes.**
Marie Brashear indicated she does not feel you can quantify the importance of a route as different users value routes differently. What is important to one, would not be important to another. Brashear indicated that rock hounding interests gave up 98% of their mineral collecting areas with the Desert Protection Act, and will not accept any additional closures.

- **Explore the possibility of legislative trade-offs.**
Ron Schiller mentioned there may be an opportunity to consider the issue of access in wilderness areas along with the legislation pending for Ft. Irwin.
- **Provide a higher level of validation or “proof” for rationale for closure. No junk science.**
Pam Barber indicated that the rationale provided for closures in the original reports was inadequate. Barber would like to see a specific, proven rationale for the closure of each specific route, as opposed to the loose reasons that were provided to groupings of routes in the original reports.
- **Ensure that historic and national trails are added.**
Darrell Readmond noted that he has not seen any reference to historic or national trails.
- **Ask the biologists which routes are putting which species in jeopardy and why.**
Lorelei Oviatt indicated she saw two alternatives: 1) Proceed with the proposed CH2MHill model. She felt this approach was not meeting with support from those present; or 2) Go back to square one with the new, more accurate mapping from the field surveys and determine which routes, irrespective of recreation, put species in jeopardy. Oviatt indicated scientific reasons need to be provided as to why the routes need to be closed. Marie Brashear concurred with alternative two.
- **Do not use “clump closure” rationale. Rather, provide specific route-by-route closure rationale.**
Several individuals indicated that rationale for closure needs to be provided for individual routes, and not for groupings of routes as was done in the original subregion reports. Jeri Ferguson notes that there should be consistency between the regional plans, and that NECO provided a reason for each road closed.
- **Do site specific monitoring prior to closure.**
Jeri Ferguson noted that the Code of Federal Regulation requires site specific monitoring or studies for each area where a closure occurs.
- **The burden of proof should be on the BLM to present reasons for closure.**
Pam Barber stated that the burden of proof should be on the governmental agencies to prove why a route needs to be closed rather than on the public to defend why it should not be closed.
- **Do not base closures on the natural condition of the route.**
Ed Phillips noted that negotiating challenging routes is an experience some people seek.
- **Consider frequency of use, seasonal closures etc.**

- **Consider the management of adjacent areas when determining the biological affect of a road (i.e., raptors in adjacent wilderness areas).**
- **Don't mitigate for the rest of the world.**
Marie Brashear expressed concern that we not loose access because we are mitigating for other projects. She cited bat roosts on I-15 that will be taken as an example.
- **Consider the effects of open routes on private landowners (e.g., noise).**
- **Consider a recovery rate of a desert ecosystem. Credit for roads that have already recovered?**
Bob Strub indicated that we need to understand how quickly an area will recover. Strub further indicated that areas need to be identified to grow into in order to handle increasing recreational needs.

Bill Haigh indicated that in regards to identifying "hot spots" for recreational use, he is hearing "no" from the Task Group. He asked BLM. representatives present to respond to the group's issues.

Steve Smith from the Ridgecrest Field Office indicated that the elimination of illegal hill climbs and redundant routes has had support from the public in Ridgecrest. These routes have a direct resource impact. He expressed some concern for the magnitude of the work involved.

Mike Ahrens indicated he feels the group has taken a step backwards. He proposed that failing to identify values for recreational resources would make it more difficult for him, as a recreation planner, to argue for keeping certain routes open. Ahrens stated that the group should focus on the quality of the route network rather than on the quantity of routes. He indicated that it is important to recognize that people come to the desert with expectations and a finite amount of time. If you build a network that fulfills those expectations, it will keep them doing the things they want to do. Ahrens noted that it would be helpful of communities would identify on maps the areas that meet their recreation needs and expectations. He indicated that he doesn't believe the data will show that all roads are important to someone. Ahrens added that the inventory should be screened for important recreation issues as well as biological issues.

Lorelei Oviatt stated that route designation is driven by the Endangered Species Act and that the task at hand is not to plan an excellent recreation network.

Harold Johnson stated that FWS has some expectations regarding the reduction of routes. If we propose keeping all routes open, it will not be acceptable to FWS. Johnson further stated that FWS has not established a percentage of route reduction that would be acceptable.

Bill Haigh summarized what he was hearing from the group as follows:

- 1) Continue with and utilize the route inventory currently being developed by the field survey team.
- 2) Overlay this information with resource information.
- 3) Where a resource impact is documentable, close the route.

Marie Brashear indicated that she would like to see Haigh's summary modified to say "biological information" rather than "resource information." She does not feel that cultural resources are a reason to close a road.

Ron Schiller would like to see alternatives to closure considered.

Ed Waldheim would like to add an issue that states "EPA route system should be used."

Doug Parham asked that route impacts on private property be considered.

Paul Condon asked that the attributes being collected in the field be worked into the decision process. Lorelei Oviatt stated that the attributes collected should not be ignored and all of the information should be provided to the biologists to review.

Les Weeks echoed Mike Ahrens' and Paul Condon's concerns. He is concerned that if resource data is considered and not recreational information, an unacceptable route network could be the result.

Lorelei Oviatt asked that minutes be prepared for Task Group members to review, and another meeting be scheduled for final consideration of an approach.

Next Meeting

Tuesday, January 15, 2002
6:00 to 9:00 P.M.
Green Tree Inn, Victorville

The meeting ended at 9:25 P.M.